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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,543	01/05/2005	Edgar Poellmann	5696.P0003US	9291
23474 7590 06/12/2008 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631				
EXAMINER				
MEYER, KATY E				
ART UNIT		PAPER NUMBER		
3618				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,543

Applicant(s)

POELLMANN, EDGAR

Examiner

Katy Meyer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 23, 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, the term "joined together by embedding within the foamed core" is unclear. For the purposes of examination, it is assumed that applicant is claiming elements that are joined together, and then embedded in foam. Support for this assumption is found in claims 4 and 5 wherein the cradle and connecting elements are locked or clasped together in addition to being embedded in foam.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5, and 6 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Reipler (US 5,944,335).

As for claim 6, Reipler discloses a method for the manufacture of a sliding board where a preformed sliding board upper part having an upper cup (9) is connected to a sliding-board lower part having an outsole (14), a lower belt (12) and steel edges (15), and foam (20) is introduced, wherein during the assembly of the sliding board upper and lower parts at least one interface element (4) for arranging and guiding of a binding part is anchored on a cradle (2) fully encased within a cavity formed by said sliding board upper and lower parts, foam is introduced so that the interface element and the cradle or cassette are connected with one another, and the cradle or cassette is completely embedded in said foam within said cavity (see column 5, lines 16 – 30, and column 5, line 56 – column 6, line 40).

Reipler further discloses foam forming part of the core (16), and foam distributed through openings (26) in the cradle.

As for claim 9, Reipler discloses a sliding board comprising: a sliding board body (1), at least one interface element (5) connected to the sliding board body for arranging of binding elements on the upper side of the sliding board, wherein and a cradle (2) is integrated into the sliding board body, on which cradle the interface element is anchored, and wherein the cradle and the interface element are embedded within a foamed core (20) of the sliding board, and wherein the interface element includes at least one guide element (5) extending in the longitudinal direction of the gliding board

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and configured for receiving a binding or a binding part, the at least one guide element having connecting extensions (4) connected with the cradle such that the cradle or cassette and the connecting extensions are fixedly joined together and embedded within the foamed core (see column 5, lines 16 – 30, and column 5, line 56 – column 6, line 40).

Said cradle is completely embedded within the interior of the sliding board (see Figs. 4, 7, and 8) having an upper cup (9) and an outsole (14); a cradle consisting of intersecting bars (25, 31) which bear on the inner surfaces of the sliding board upper parts and lower parts (see Fig. 4); a foamed core that occupies said connecting extensions (Fig. 5) and prevents the removal of the connecting extensions (4) from the cradle (2); and openings (17) through which the interface element penetrates.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reipler (US 5,944,335).

Reipler meets all the limitations of the claimed invention, but does not disclose a connection between the connecting elements and the cradle comprising locking openings or clasps. Reipler discloses an integral connection between the connecting elements (4) and the cradle (2), see Fig. 8. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to make the connecting elements and cradle taught by Reipler in two separate and lockable or claspable pieces. It has been held that constructing a formerly integral structure in various elements involves only routing skill in the art.

Conclusion

The prior art made of record, but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618

/Katy Meyer/
Examiner, Art Unit 3618